



Reprinted
February 25, 2004

ENGROSSED HOUSE BILL No. 1401

DIGEST OF HB 1401 (Updated February 24, 2004 3:46 pm - DI 75)

Citations Affected: IC 2-5; IC 5-10.2; noncode.

Synopsis: Public officers compensation commissions. Establishes the public officers compensation advisory commission to make recommendations to the general assembly regarding the salaries to be paid to public officers. Provides that recommended increases in salaries may not exceed the change in the Indiana nonfarm income. Provides that for purposes of computing a retirement benefit for a person who is a member of the Indiana state teachers' retirement fund and who takes an unpaid leave of absence to serve in an elected position: (1) "annual compensation" includes the total amount that was not paid to the member but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position; and (2) the "average of the annual compensation" means the annual compensation for the one year of service in which the member's annual compensation was highest.

Effective: Upon passage; June 1, 2004.

**Kuzman, Bosma, Richardson,
Mahern**

(SENATE SPONSORS — HARRISON, ROGERS)

January 20, 2004, read first time and referred to Committee on Ways and Means.
January 29, 2004, amended, reported — Do Pass.
February 4, 2004, read second time, amended, ordered engrossed.
February 5, 2004, engrossed. Read third time, passed. Yeas 61, nays 34.

SENATE ACTION

February 12, 2004, read first time and referred to Committee on Rules and Legislative Procedure.
February 17, 2004, amended, reported favorably — Do Pass.
February 24, 2004, read second time, amended, ordered engrossed.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1401

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 1.5. Public Officers Compensation Advisory**
5 **Commission**

6 **Sec. 1. As used in this chapter, "commission" refers to the**
7 **public officers compensation advisory commission established by**
8 **section 6 of this chapter.**

9 **Sec. 2. As used in this chapter, "growth rate" refers to the rate**
10 **of change in Indiana nonfarm income determined by the Bureau of**
11 **Economic Analysis of the United States Department of Commerce.**

12 **Sec. 3. As used in this chapter, "political subdivision" has the**
13 **meaning set forth in IC 36-1-2-13.**

14 **Sec. 4. As used in this chapter, "public employee" refers to any**
15 **of the following:**

16 **(1) An employee of the state.**

17 **(2) An employee of a political subdivision.**

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(3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.

Sec. 5. As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.
- (2) The lieutenant governor.
- (3) The secretary of state.
- (4) The auditor of state.
- (5) The treasurer of state.
- (6) The attorney general.
- (7) The clerk of the supreme court.
- (8) The state superintendent of public instruction.
- (9) A justice of the supreme court of Indiana.
- (10) A judge of the court of appeals of Indiana.
- (11) A judge of the Indiana tax court.
- (12) A judge of a circuit, superior, probate, or county court.
- (13) A member of the general assembly.

Sec. 6. There is established the public officers compensation advisory commission.

Sec. 7. (a) The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.
- (4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.
- (5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

(b) The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result

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in an ascertainable increase in the income or net worth of the individual.

Sec. 8. (a) The term of a commission member begins on the later of the following:

(1) July 1 after the member is appointed.

(2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the fourth year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 9. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 10. (a) Before July 1 of each odd numbered year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

Sec. 11. Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 12. The commission shall meet at the call of the chair and at other times as the commission considers necessary.

Sec. 13. Each member of the commission is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 14. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the

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commission.

Sec. 15. The legislative services agency may contract with consultants on behalf of the commission as the commission considers necessary to implement this chapter.

Sec. 16. Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

Sec. 17. The commission shall make reports to the general assembly as required by this chapter or by the legislative council.

Sec. 18. The commission shall meet at least one (1) time not later than July 1 of each even-numbered year to do the following:

(1) Determine the growth rate from January 1 of the previous year to January 1 of the current year.

(2) Receive information relating to the salaries of public officers.

(3) Consider recommendations for suitable salaries for public officers.

(4) Take testimony relating to the salaries of public officers.

Sec. 19. (a) Not later than September 1 of each even-numbered year, the commission shall make written recommendations to the:

(1) legislative council; and

(2) budget committee;

concerning suitable salaries for public officers. The recommendations to the legislative council must be in an electronic format under IC 5-14-6.

(b) When making recommendations, the commission shall make a separate recommendation, including a recommendation for no adjustment of salary, for each separate public officer listed in section 5 of this chapter.

(c) The commission may not recommend a rate of increase in the salary of a public officer that exceeds the growth rate.

Sec. 20. A commission recommendation does not take effect unless enacted by the general assembly.

Sec. 21. There is annually appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

Sec. 22. Notwithstanding IC 1-1-1-8, the provisions of this chapter are not severable.

SECTION 2. IC 5-10.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2004]: Sec. 3. (a) Except as provided in subsection ~~(e)~~; ~~(f)~~, in computing the retirement benefit for a nonteacher member, "average of the annual compensation" means the average annual compensation calculated using the twenty (20) calendar

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quarters of service in a position covered by the retirement fund before retirement in which the member's annual compensation was the highest. However, in order for a quarter to be included in the twenty (20) calendar quarters, the nonteacher member must have performed service throughout the calendar quarter. All twenty (20) calendar quarters do not have to be continuous but they must be in groups of four (4) consecutive calendar quarters. The same calendar quarter may not be included in two (2) different groups.

(b) **This subsection does not apply to a teacher member described in subsection (c).** In computing the retirement benefit for a teacher member, "average of the annual compensation" means the average annual compensation for the five (5) years of service before retirement in which the member's annual compensation was highest. In order for a year to be included in the five (5) years, the teacher member must have received for the year credit under IC 21-6.1-4-2 for at least one-half (1/2) year of service. The five (5) years do not have to be continuous.

(c) **This subsection applies to a member of the Indiana state teachers' retirement fund who serves in an elected position for which the member takes an unpaid leave of absence. In computing the retirement benefit for a teacher member described in this subsection for years of service to which IC 21-6.1-5-7.5 does not apply, "average of the annual compensation" means the annual compensation for the one (1) year of service before retirement in which the member's annual compensation was highest. In order for a year to be used, the teacher member must have received for the year credit under IC 21-6.1-4-2 for at least one-half (1/2) year of service.**

(d) Subject to IC 5-10.2-2-1.5 "annual compensation" means:

(1) the basic salary earned by and paid to the member plus the amount that would have been part of that salary but for:

(1) (A) the state's, a school corporation's, a participating political subdivision's, or a state educational institution's (as defined in IC 20-12-0.5-1) paying the member's contribution to the fund for the member; or

(2) (B) the member's salary reduction agreement established under Section 125, 403(b), or 457 of the Internal Revenue Code; and

(2) **in the case of a member described in subsection (c) and for years of service to which IC 21-6.1-5-7.5 does not apply, the basic salary that was not paid during the year but would have been paid to the member during the year under the member's**

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employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position.

The portion of a back pay award or a similar award that the board determines is compensation under an agreement or under a judicial or an administrative proceeding shall be allocated by the board among the years the member earned or should have earned the compensation. Only that portion of the award allocated to the year the award is made is considered to have been earned during the year the award was made. Interest on an award is not considered annual compensation for any year.

~~(d)~~ **(e)** Compensation of no more than two thousand dollars (\$2,000) received from the employer in contemplation of the member's retirement, including severance pay, termination pay, retirement bonus, or commutation of unused sick leave or personal leave, may be included in the total annual compensation from which the average of the annual compensation is determined, if it is received:

- (1) before the member ceases service; or
- (2) within twelve (12) months after the member ceases service.

~~(e)~~ **(f)** This section applies to a member of the general assembly:

- (1) who is a participant in the legislators' retirement system established under IC 2-3.5;
- (2) who is also a member of the public employees' retirement fund or the state teachers' retirement fund; and
- (3) whose years of service in the general assembly may not be considered in determining the average of the annual compensation under this section, as provided in IC 2-3.5-1-2(b)(2) or IC 2-3.5-3-1(c).

The board shall use the board's actuarial salary increase assumption to project the salary for any previous year needed to determine the average of the annual compensation.

SECTION 3. [EFFECTIVE JUNE 1, 2004] IC 5-10.2-4-3, as amended by this act, applies only to members of the Indiana state teachers' retirement fund who retire after May 31, 2004.

SECTION 4. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 1-1-1-8, the provisions of this act are not severable.

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 17, line 26, delete "August 1, 2004," and insert "**April 1, 2005,**".

Page 17, line 32, delete "2004." and insert "**2005.**".

Page 17, line 42, delete "December 2004" and insert "**June 2005**".

Page 18, between lines 3 and 4, begin a new paragraph and insert:

"(e) A change in the salary of a public officer under this SECTION may not become effective before July 1, 2005."

Page 18, line 4, delete "(e)" and insert "**(f)**".

Page 18, line 7, delete "(f)" and insert "**(g)**".

Page 18, line 7, delete "2005." and insert "**2006.**".

and when so amended that said bill do pass.

(Reference is to HB 1401 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 20, nays 6.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1401 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS
 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 1, 2004]:

Chapter 1.5. Public Officers Compensation Advisory Commission

Sec. 1. This chapter applies after December 31, 2004.

Sec. 2. As used in this chapter, "commission" refers to the public officers compensation advisory commission established by section 7 of this chapter.

Sec. 3. As used in this chapter, "growth rate" refers to the rate of change in Indiana nonfarm income determined by the Bureau of Economic Analysis of the United States Department of Commerce.

Sec. 4. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 5. As used in this chapter, "public employee" refers to any of the following:

- (1) An employee of the state.**
- (2) An employee of a political subdivision.**
- (3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.**

Sec. 6. As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.**
- (2) The lieutenant governor.**
- (3) The secretary of state.**
- (4) The auditor of state.**
- (5) The treasurer of state.**
- (6) The attorney general.**
- (7) The clerk of the supreme court.**
- (8) The state superintendent of public instruction.**
- (9) A justice of the supreme court of Indiana.**
- (10) A judge of the court of appeals of Indiana.**
- (11) A judge of the Indiana tax court.**
- (12) A judge of a circuit, superior, probate, or county court.**
- (13) A member of the general assembly.**

Sec. 7. There is established the public officers compensation advisory commission.

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Sec. 8. (a) The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.**
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.**
- (3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.**
- (4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.**
- (5) One (1) member appointed by the chief judge of the court of appeals of Indiana.**

(b) The following may not be a commission member:

- (1) A public officer.**
- (2) A public employee.**
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.**

Sec. 9. (a) The term of a commission member begins on the later of the following:

- (1) July 1 after the member is appointed.**
- (2) The day the member accepts the member's appointment.**

(b) The term of a commission member expires on July 1 of the fourth year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 10. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 11. (a) Before July 1 of each odd numbered year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of

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the commission.

Sec. 12. Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 13. The commission shall meet at the call of the chair and at other times as the commission considers necessary.

Sec. 14. Each member of the commission is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).**
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.**
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

Sec. 15. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

Sec. 16. The legislative services agency may contract with consultants on behalf of the commission as the commission considers necessary to implement this chapter.

Sec. 17. Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

Sec. 18. The commission shall make reports to the general assembly as required by this chapter or by the legislative council.

Sec. 19. The commission shall meet at least one (1) time not later than July 1 of each even-numbered year to do the following:

- (1) Determine the growth rate from January 1 of the previous year to January 1 of the current year.**
- (2) Receive information relating to the salaries of public officers.**
- (3) Consider recommendations for suitable salaries for public officers.**
- (4) Take testimony relating to the salaries of public officers.**

Sec. 20. (a) Not later than September 1 of each even-numbered year, the commission shall make written recommendations to the:

- (1) legislative council; and**

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(2) budget committee;
concerning suitable salaries for public officers.

(b) When making recommendations, the commission shall make a separate recommendation, including a recommendation for no adjustment of salary, for each separate public officer listed in section 6 of this chapter.

(c) The commission may not recommend a rate of increase in the salary of a public officer that exceeds the growth rate.

Sec. 21. A commission recommendation does not take effect unless enacted by the general assembly.

Sec. 22. There is appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

Sec. 23. Notwithstanding IC 1-1-1-8, the provisions of this chapter are not severable."

Delete pages 2 through 4.

Page 5, delete lines 1 through 19.

Page 16, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 1-1-1-8, the provisions of this SECTION are not severable.

(b) Except as provided in this SECTION, the definitions in IC 2-5-1.5, as added by this act, apply throughout this SECTION.

(c) As used in this SECTION, "commission" refers to the public officers compensation commission established by subsection (e).

(d) As used in this SECTION "growth rate" equals two and one-half percent (2.5%).

(e) The public officers compensation commission is established.

(f) The commission consists of the following members:

(1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.

(4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.

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(5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

(g) The following may not be a commission member:

(1) A public officer.

(2) A public employee.

(3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.

(h) The chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(i) Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

(j) The commission shall meet at the call of the chair and at other times as the commission considers necessary.

(k) Each member of the commission is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) The legislative services agency shall provide administrative support for the commission.

(m) Notwithstanding IC 4-22-2, the commission may adopt rules that have the force and effect of law to fix salaries of public officers.

(n) Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

(o) The commission shall meet after October 31, 2004, and before November 16, 2004, to do the following:

(1) Receive information relating to the salaries of public officers.

(2) Consider recommendations for suitable salaries for public officers.

(3) Take testimony relating to the salaries of public officers.

(4) For each public officer listed in IC 2-5-1.5-6, as added by

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this act, determine the most recent year that the public officer received a salary increase.

(5) Adopt, if necessary, proposed rules to set the salaries of public officers.

(p) If the commission adopts rules to change the salary of a public officer, the commission must adopt a separate rule for each separate public officer listed in IC 2-5-1.5-6, as added by this act, whose salary is to be changed.

(q) The commission is not required to adopt or amend a rule to change the salary of a public officer if the commission considers the current salary suitable.

(r) If the commission does not adopt a rule relating to the salary of a public officer, the salary of the public officer is the salary provided by law.

(s) The rate of increase in the salary of a public officer may not exceed the amount determined had the salary of the public officer increased each year since the most recent year the public officer received a salary increase by the growth rate.

(t) A rule adopted under this SECTION must be published in the January 2005 edition of the Indiana Register.

(u) A rule adopted by the commission to set the salaries of a public officer takes effect as follows:

(1) If the rule relates to the salary of the governor, the final rule takes effect January 10, 2005. However, any increase in the salary of the governor shall be paid in a lump sum on July 1, 2005.

(2) If the rule relates to the salary of a member of the general assembly, the final rule takes effect on January 1, 2005. However, any increase in the salary of a member of the general assembly shall be paid in a lump sum on July 1, 2005.

(3) If the rule relates to the salary of a public officer other than a public officer described in subdivision (1) or (2), the final rule takes effect on July 1, 2005.

(v) A rule relating to the salary of a public officer may not diminish the compensation of the public officer below its level at the time the rule becomes effective.

(w) This SECTION expires July 1, 2005."

Delete page 17.

Page 18, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1401 as printed January 30, 2004.)

KUZMAN

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred House Bill No. 1401, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".

Page 1, delete line 3.

Page 1, delete line 6.

Page 1, line 7, delete "2." and insert "1.".

Page 1, line 9, delete "7" and insert "6".

Page 1, line 10, delete "3." and insert "2.".

Page 1, line 13, delete "4." and insert "3.".

Page 1, line 15, delete "5." and insert "4.".

Page 2, line 5, delete "6." and insert "5.".

Page 2, line 20, delete "7." and insert "6.".

Page 2, line 22, delete "8." and insert "7.".

Page 3, line 4, delete "9." and insert "8.".

Page 3, line 11, delete "10." and insert "9.".

Page 3, line 16, delete "11." and insert "10.".

Page 3, line 23, delete "12." and insert "11.".

Page 3, line 27, delete "13." and insert "12.".

Page 3, line 29, delete "14." and insert "13.".

Page 3, line 38, delete "15." and insert "14.".

Page 4, line 3, delete "16." and insert "15.".

Page 4, line 6, delete "17." and insert "16.".

Page 4, line 8, delete "18." and insert "17.".

Page 4, line 10, delete "19." and insert "18.".

Page 4, line 19, delete "20." and insert "19.".

Page 4, line 23, after "officers." insert **"The recommendations to the legislative council must be in an electronic format under IC 5-14-6."**

Page 4, line 27, delete "6" and insert "5".

Page 4, line 30, delete "21." and insert "20.".

Page 4, line 32, delete "22." and insert "21.".

Page 4, line 32, after "is" insert **"annually"**.

Page 4, line 35, delete "23." and insert "22.".

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2004]: Sec. 1. The salary of the elected officials of the state is as follows:

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- (1) For the governor the following salary:
 - (A) Before ~~January 8, 2001~~, ~~seventy-seven thousand two hundred dollars (\$77,200)~~ per year.
 - (B) After ~~January 7, 2001~~, **January 10, 2005**, ninety-five thousand dollars (\$95,000) per year.
 - (B) After January 9, 2005, one hundred two thousand three hundred dollars (\$102,300) per year.**
- (2) For the lieutenant governor, ~~the following salary~~:
 - (A) Before ~~January 8, 2001~~, ~~sixty-four thousand dollars (\$64,000)~~ per year.
 - (B) After ~~January 7, 2001~~, seventy-six thousand dollars (\$76,000) per year. However, the lieutenant governor is not entitled to receive per diem allowance for performance of duties as president of the senate.
- (3) For the secretary of state, ~~the following salary~~:
 - (A) Before ~~January 1, 1999~~, ~~forty-six thousand dollars (\$46,000)~~ per year.
 - (B) After ~~December 31, 1998~~, sixty-six thousand dollars (\$66,000) per year.
- (4) For the auditor of state, ~~the following salary~~:
 - (A) Before ~~December 1, 1998~~, ~~forty-six thousand dollars (\$46,000)~~ per year.
 - (B) After ~~November 30, 1998~~, sixty-six thousand dollars (\$66,000) per year.
- (5) For the treasurer of state, ~~the following salary~~:
 - (A) Before ~~February 10, 1999~~, ~~forty-six thousand dollars (\$46,000)~~ per year.
 - (B) After ~~February 9, 1999~~, sixty-six thousand dollars (\$66,000) per year.
- (6) For the attorney general, ~~the following salary~~:
 - (A) Before ~~January 1, 1999~~, ~~fifty-nine thousand two hundred dollars (\$59,200)~~ per year.
 - (B) After ~~December 31, 1998~~, seventy-nine thousand four hundred dollars (\$79,400) per year.
- (7) For the clerk of the supreme court, ~~the following salary~~:
 - (A) Before ~~January 1, 1999~~, ~~thirty-eight thousand dollars (\$38,000)~~ per year.
 - (B) After ~~December 31, 1998~~, sixty thousand dollars (\$60,000) per year.
- (8) For the state superintendent of public instruction, ~~the following salary~~:
 - (A) Before ~~January 1, 1999~~, sixty-three thousand one hundred

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dollars (\$63,100) per year.

(B) After December 31, 1998, seventy-nine thousand four hundred dollars (\$79,400) per year."

Page 6, delete lines 30 through 42.

Delete pages 7 through 17.

Page 18, delete lines 1 through 15.

Page 18, delete lines 19 through 34.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1401 as reprinted February 5, 2004.)

GARTON, Chairperson

Committee Vote: Yeas 10, Nays 1.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1401 be amended to read as follows:

Page 4, delete lines 38 through 42.

Delete page 5.

Page 6, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1401 as printed February 18, 2004.)

HARRISON

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